IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 17TH NOVEMBER 2006 / 26TH KARTHIKA 1928

WP(C).No. 28983 of 2006(A)

PETITIONER:

1. VISALAN, AGED 42 YEARS,
   S/O.VISWANATHAN, KARITHATTU HOUSE,
   EDAKKUNNAM, SUBSTITUTE CONTIGENT WORKER,
   COCHIN CORPORATION.

2. SATHEESAN V.K., AGED 40 YEARS,
   S/O.KORRAPPAN, VALLIKUTTIPADOM,
   SEMITHERIMUKKU, ERNAKULAM,
   SUBSTITUTE CONTIGENT WORKER,
   COCHIN CORPORATION.

3. REGHU SANTHOSH,
   AGED 43 YEARS, S/O.DIVAKARAN,
   NAYAPALLATH HOUSE, ELAMAKKARA,
   ERNAKULAM, SUBSTITUTE CONTIGENT WORKER,
   COCHIN CORPORATION.

BY ADV. SMT.T.B.MINI

RESPONDENTS:

1. THE STATE OF KERALA,
   REP. BY DIRECTOR OF LOCAL AFFAIRS,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. COCHIN CORPORATION,
   REP. BY ITS SECRETARY.

3. THE DIRECTOR, LOCAL & SELF GOVT.DEPARTMENT,
   GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

(ADDL.R3 IMPLEADED AS PER ORDER IN I.A.15725/2006 DTD. 17.11.2006)

BY GOVT.PLEADER SRI.BIJOY CHANDRAN R1
ADV.S.RAMESH BABU R2

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 28983 of 2006

Dated this the 17th day of November, 2006

JUDGMENT

The petitioners in this writ petition are substituted contingent workers employed in the second respondent Corporation. It is stated that they have been working as such for the last more than two decades. It is contended that they are entitled to get emoluments equal to that of the permanent employees who are doing the same nature of duties and shouldering same responsibilities. It is also contended that they are entitled to get the benefit of regularisation of service as they have been continuing as temporary employees for the last more than 10 years. According to the petitioners, their appointments were made not in violation of the statutory provisions and they have been continuing as such not on the basis of any Court order.

2. It appears that the petitioners have filed representations before respondents 2 and 3 for conferring on them the above benefits.

3. Learned counsel for the second respondent submits that the Corporation is not the proper authority to take decision on the request made by the petitioners and that the roll of the Corporation will come in, only when the additional third respondent passes orders on the

request of the petitioners.

4. In the circumstances and after hearing the learned counsel for the petitioner, learned Government Pleader for the first respondent as also the additional third respondent and the learned Standing Counsel for the second respondent, there shall be an order directing the additional third respondent to consider Ext.P4 and dispose of the same, in accordance with law, within two months on the petitioners producing a copy of the judgment along with a copy of the writ petition, before the additional third respondent.

Writ Petition is disposed of with the above directions.

K.K.DENESAN, JUDGE

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